IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 26356 of 1999

Between:

Pedarikatla Taddy TAAPPERS cooperative Society, rep.

By its incharge President Komara Balakrishnaiah,

S/o Narsaiah, aged 35 years,

R/o Pedarikatla Village, Konakanna Metla Mandal,

Prakasam District.

..... PETITIONER

AND

1. Government of Andhra Pradesh, rep. by its

Secretary, Prohibition & Excise Department,

Secretariat, Hyderabad.

2. The Commissioner, Prohibition & Excise, Nampally, Hyderabad.

3. The Superintendent, Prohibition & Excise, Ongole, Prakasam Dist.

4. The Circle Inspector, Prohibition & Excise, Podili, Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring Paragraph 5(b) of the Excise (Toddy) Policy guidelines for the year 1998-2000 issued vide G.O.Ms.No.751, Revenue (Ex.II) Department, dated 30-09-1998 insofar as directing registration of a new society is concerned and the proceedings of the third respondent in reference Rc.No.313/99-A3, dated 11-04-1999 as arbitrary and illegal, and further direct the respondent to continue the existing licences of the petitioner society and pass such other order or orders as the Court may deem fit in the circumstances of the case.

Counsel for the Petitioner:MR.M.RAVINDRANATH REDDY

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court made the following O R D E R:

The licence granted in favour of the petitioner-Society for tapping and selling toddy was cancelled by the Superintendent, Prohibition & Excise, Podili, Prakasam District-the third respondent herein, as the petitioner-Society indulged in adulteration of toddy. On cancellation of the licence, the members of the Society, decided to revive the licence of the Society by removing the President and Director of the Society who are responsible for such adulteration, and accordingly the President and Director resigned to their posts and their resignation was accepted by the Managing Committee. Since the other members are not involved in the adulteration or in any criminal case, they decided to continue the business and accordingly the petitioner-Society made a representation to the respondents to grant a fresh licence in favour of the petitioner-Society or revive the earlier licence as per the Excise Policy in the interest of the remaining members of the Society. As no action has been taken on the said representation, the petitioner-Society has moved this Court by way of the present writ petition.

Learned Government Pleader for Prohibition & Excise submits that the representation of the petitioner-Society was considered by the respondents favourably in the light of the Excise policy and toddy licence was granted in favour of the remaining members of the petitioner-Society and they are now continuing the business.

As the grievance of the petitioner-Society was already redressed, no further direction needs be given in this writ petition.

Hence, the writ petition is dismissed as no cause survives to adjudicate upon. No

order as to costs.

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09-07-2004

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To

1. The Secretary, Government of Andhra Pradesh,

Prohibition & Excise Department,Secretariat, Hyderabad.

2. The Commissioner, Prohibition & Excise, Nampally, Hyderabad.

3. The Superintendent, Prohibition & Excise, Ongole, Prakasam Dist.

4. The Circle Inspector, Prohibition & Excise, Podili, Prakasam Dist.

5. Two C.Cs to the G.P for Prohibition & Excise, High Court

Buildings, Hyderabad (OUT)

6. Two C.D copies.